

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 357 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI
and
Hon'ble MR.JUSTICE J.R.VORA

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

DHANABHAI NANABHAI HARIJAN

Appearance:

MRS VASAVDATTA BHATT for Petitioner No. 1
MR SANJAY M AMIN for Respondents No. 1-2

CORAM : MR.JUSTICE N.G.NANDI
and
MR.JUSTICE J.R.VORA

Date of decision: 21/03/2002

ORAL JUDGEMENT (Per : MR.JUSTICE N.G.NANDI)

1. Heard Ms. Vasavdatta Bhatt, learned Advocate for

the appellant, Mr. Sanjay M. Amin, learned Advocate for Respondents No. 1 and 2. Respondent No.3 stands deleted.

2. This Appeal under Section 173 of the Motor Vehicles Act, 1988, is directed against the award and judgment passed by the learned Motor Accident Claims Tribunal (Auxiliary), Panchmahals at Godhra, in Motor Accident Claim Petition No. 965 of 11995, whereby the Tribunal awarded interest at the rate of 15% on the amount of compensation.

3. It may be noted at the outset that the present Appeal is directed only against the grant of interest at the rate of 15% on the amount of compensation and no other count the award has been challenged in the present Appeal.

4. It is submitted by Ms. Vasavdatta Bhatt, learned Advocate for the appellant that respondent No.3 be deleted from the array of parties. Respondent No.3 is accordingly deleted from the array of the parties.

5. It is not in much dispute that the accident in question took place on 30.8.1995. The award came to be passed on 6.12.1999. It is not in dispute that since December 1999, the rate of interest on the amount of compensation awarded would be 12%. It is submitted that in view of the above position, the rate of interest at 15% on the amount of compensation awarded by Tribunal needs to be quashed and set aside and interest at the rate of 12% on the amount of compensation is required to be granted from the date of the application.

6. In the result, the Appeal is allowed. The interest awarded at the rate of 15% on the compensation amount by the Tribunal is hereby quashed and set aside. Respondents No. 1 and 2 - original claimants are entitled to interest at the rate of 12% on the amount of compensation awarded, from the date of the application till the date of realisation of the amount.

7. Appeal stands disposed of accordingly with no order as to costs.

8. In view of the above order, the Civil Application Application No. 476/2001 having become infructuous, is disposed of accordingly.

(N.G. Nandi, J.)

(J.R. Vora, J.)
p.n.nair